



Patent Case No. 18972PCA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Donnelly et al.

Serial No.: 09/835,694

Filed: April 16, 2001

Group Art Unit: 1636

Examiner: Garvey, Tara L.

For: NUCLEIC ACID VACCINES AGAINST HUMAN INFLUENZA  
VIRUS

**PETITION FOR EXTENSION OF TIME UNDER § 1.136(a)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Applicant(s) hereby petition(s) to the Commissioner for Patents for an extension of the shortened statutory period for replying to the outstanding Office Action dated 7/13/04 in the above-identified application. A response to said Action is (is not) attached hereto.

Please charge the following fee to Deposit Account No. 13-2755:

- \$120 -- First Month Extension  
 \$450 -- Second Month Extension  
 \$1020 -- Third Month Extension  
 \$1590-- Fourth Month Extension  
 \$2160 -- Fifth Month Extension

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account 13-2755. Duplicate copies of this sheet are enclosed.

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

MERCK & CO., INC.

By J. Mark Hand Date 12/10/04

Respectfully,

By: J. Mark Hand

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Date: 10 December 2004

IN DUPLICATE